(3)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(CHHATTISGARH)

WRIT PETITION NO. 4842/2004

PETITIONER : 1) Prem Sagar Mishra S/o Sri Ramesh Kumar Mishra Aged about- 40 years R/o Village Tamnar, Post- Tamnar, Tahsil- Gharghoda Distt – Raigarh (C.G.)

VERSUS

RESPONDENTS : 1) The state of Chhattisgarh
Through : School Secretary, State of C.G.
D.K.S. Bhawan Raipur, Distt- Raipur C.G
2) The Pariyojna Sanchalak Collector, Raigarh, Rajeev Gandhi Primary Education Mission, Raigarh.
3) The Principal Diet,Dharamjaigarh.
4) The C.E.O. Janpad Panchayat, Raigarh.C.G.
5) Ramakant Patel, Assistant Teacher, Present posted at primary School- Jhinkabahal, Block Tamnar, Distt – Raigarh.

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Clerk to A.G. Bilaspur

शपथ आयुक्त
एस.के. पाण्डेय
बिलासपुर (छ.ग.)
बिलासपुर तहसील छोड़

PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS, DIRECTIONS AND/OR ORDERS

HIGH COURT OF CHHATTISGARH AT BILASPUR

(22)

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.4842 OF 2004

Petitioner : Prem Sagar Mishra

versus

Respondents : The State of Chhattisgarh and others

Present : Mr. S.C.Verma, counsel for the petitioner.
Mr. Ajay Dwivedi, Panel Lawyer for the State/ respondents No.1 to 3.
None appears for respondents No.4 and 5.

ORDER

(Passed on 23rd Day of February, 2007)

The petitioner, who is originally an Assistant Teacher, while working as Block Source Centre Coordinator in Rajeev Gandhi Shiksha Mission at Block Tamnar has been transferred to Primary School Rengalbehari, Block Tamnar, vide order dated 7-12-2004 (P-3).

2. This Court, vide interim order dated 17-1-2005, directed that the petitioner shall not be relieved from his present place of posting, if he is not already relieved, till the next date of hearing.

3. Be that as it may, with the passage of time, this petition has become infructuous as period of transfer is not applicable forever. At this point of time, there is no question to examine the validity of the

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impugned transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decided as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, the writ petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal